



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/760,992 | 01/20/2004 | Elliott J. Straus | OMNZ 2 00014 | 1988 |

7590
Chief I.P. Counsel
OMNOVA Solutions Inc.
175 Ghent Road
Fairlawn, OH 44333-3300

| |
|----------|
| EXAMINER |
|----------|

LUU, CUONG V

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

2128

| | |
|-----------|---------------|
| MAIL DATE | DELIVERY MODE |
|-----------|---------------|

07/16/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|--|--|---|--|
| <p align="center">Advisory Action Before the Filing of an Appeal Brief</p> | <p>Application No. 10/760,992</p> | <p>Applicant(s) STRAUS, ELLIOTT J.</p> | |
| | <p>Examiner CUONG V. LUU</p> | <p>Art Unit 2128</p> | |

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 19 May 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 11-18 and 20-28.
Claim(s) withdrawn from consideration: 19 and 29.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
13. ☒ Other: See Continuation Sheet.

/Alexander J Kosowski/
Primary Examiner, Art Unit 2128

Continuation of 13. Other: o The Applicant argues that claim 20 is allowable since Chen does not teach optimizing the location of in-mold injection port to minimize the flow time for an in-mold composition to flow over at least a part of a molded article. The examiner respectfully disagrees. In the specification of the instant application pages 19-22, section Optimal Location of IMC Injection Port, the Applicant describes model for IMC with flow rate and time without further describing how to determine the optimized location for injection and states "Another key to optimizing the IMC process is to be able to predict the fill pattern of the IMC, so as to locate the injection nozzle or nozzles in the locations where the potential for the surface defects in the appearance region of the part are minimized while decreasing the time for complete flow coverage of the IMC over the thermoplastic substrate." Therefore, it is regarded that the descriptions on pp. 19-22 would yield such a location. It happens that in the prior art, In-Mold Functional Coating of Thermoplastic Substrate: Process Modeling, Antec 2001 by Chen et al including Elliot Strauss, who is inventor of the instant application, the descriptions of section Filling State, pp. 2-3, are almost identical (almost because some wordings are different). Therefore, Chen's teaching of Filling State is regarded as inheriting the limitation of using said pattern to minimize optimal placement ... to minimize the flow time for an in-mold coating ... said in-mold coating composition. The Applicant further argues that Chen does not teach predicting a coating composition fill pattern in said mold over at least a two dimensional surface. The Examiner respectfully disagrees. Chen does teach this limitation on p. 2 col. 2 section Filling Stage paragraph 2. In this paragraph Chen teaches filling for a simple rectangular part, which is 2 dimensional, by approximating as one-dimensional. This teaching reads onto the claimed limitation. Furthermore, the Applicant argues that Chen does not teach a method to minimize the cure time. The Applicant respectfully disagrees. Chen on pp. 1 col. 2 last paragraph and p. 2 col. 1 1st paragraph teaches optimizing the IMC process with developed models to predict fill pattern to minimize the potential for trapping air and the cure time. This reads onto the claimed limitation. Claim 20, therefore, remains rejected.

o As per claim 11, the Applicant argues that there is no suggestion to combine the teachings of Chen and Ladeinde except for hindsight reconstruction. Another motivation for combining Chen's and Ladeine's teachings is that it would have applied in regions for which a thin-cavity approximation does not hold and in which a full three-dimensional calculation is called for. (p.519 last paragraph. Claim 11, therefore, remains rejected.

o The Applicant argues that claims 12-18 are allowable due to depending on claim 11. Since claim 11 remains rejected, claims 12-18 remain rejected.

o The Applicant argues that claims 21-28 are allowable due to depending on claim 20. Since claim 20 remains rejected, claims 21-28 remain rejected.